IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3340 OF 2004

Shri Babubhau Thorat.....Petitioner
Versus
The Municipal Corporation
of Greater Mumbai & Ors.....Respondents

Mr.Akhilesh Singh, for the Petitioner
Mrs. N.V. Sanglikar, for the Respondents

CORAM : F.I. REBELLO & S.P. KUKDAY,JJ.
DATED : 4TH APRIL, 2005

P.C.

. The petitioner retired from the service of the respondent in the year 1993 according to the petitioner. The Respondents have, however, not released his pensionary benefits. According to the petitioner he has been informed that they have not been released because he has not vacated the premises. It is his contention that his son who is also working in the office of the respondent, has been made permanent since the year 1995 and in these circumstances he has prayed that his son be allowed to retain the premises.

2. Allotment of premises is a policy matter of the respondents. They allot the premises in terms of the wait list on seniority. It will not be open to this Court to interfere with the said policy decision. In these circumstances the respondents to consider continuation of the son of the petitioner in the premises or if not to take steps according to law. Respondents also pending getting

back the premises to consider release of part of the pensionary benefits as it cannot withhold the entire pensionary benefits but a part. Article 21 should not be violated.

. With the above observations petition stands disposed of. No order as to costs.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)